



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 6, 1996

Ms. Elizabeth C. Lara
Legal Assistant
Texas Department of Insurance
Legal and Compliance, MC 110-1A
P.O. Box 149104
Austin, Texas 78714-9104

OR96-2035

Dear Ms. Lara:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 101580.

The Texas Department of Insurance (the "department") received a request for information concerning the Colonial Casualty Insurance Company ("Colonial"). You state that the department will release to the requestor some of the requested information. However, you assert that portions of the requested information are excepted from required public disclosure based on sections 552.101, 552.111 and 552.112 of the Government Code. This office has also notified Colonial of this request to provide it an opportunity to assert any privacy or property interests it may have in the disclosure of the requested information. Gov't Code § 552.305. Casualty has failed to respond to our notification. You submitted the information to this office for our review.

Section 552.112(a) excepts from required public disclosure

information contained in or related to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both.

Insurance companies are included within the term "financial institutions" for purposes of section 552.112(a). Open Records Decision No. 158 (1977) at 5-6. We have reviewed the submitted information, which includes an examination report, examination work papers, letters from representatives of Colonial concerning an examination and financial information concerning Colonial. We conclude that the department may withhold this information from required public disclosure based on section 552.112.

In light of our conclusion pursuant to section 552.112, we need not address your other claims except for your section 552.111 claim for one document. Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). This exception does not except from disclosure purely factual information that is severable from the opinion portions of the communication. *See id.* We do not believe section 552.111 applies to the document at issue.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Records Division

KHG/rho

Ref.: ID# 101580

Enclosures: Submitted documents

cc: Mr. A. Kip Wall
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(w/o enclosures)